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From: Jane M. Roberts Legal Assistant to James O. Skarsten	No. of Pages Including Cover Sheet: **32**

Message:

Enclosed herewith:

- Transmittal Document; and
- Appeal Brief.

Re: Application No. **09/820,508**
Attorney Docket No: **AUS920010012US1**

Date: Friday, August 19, 2005

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: **Dutta et al.**

Serial No.: **09/820,508**

Filed: **March 29, 2001**

For: **Presentation of Salient Features in a Page to a Visually Impaired User**

§ Group Art Unit: **2176**
§
§ Examiner: **Maikhanh Nguyen**
§
§ Attorney Docket No.: **AUS920010012US1**
§

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By: Jane M. Roberts
Jane M. Roberts

TRANSMITTAL DOCUMENT

Commissioner for Patents
P.O. Box 1450
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Sir:
ENCLOSED HEREWITH:

- Appeal Brief (37 C.F.R. 41.37)

A fee of $500.00 is required for filing an Appeal Brief. Please charge this fee to 09-0447. No additional fees are believed to be necessary. If, however, any additional fees are required, I authorize the Commissioner to charge these fees which may be required to 09-0447. No extension of time is believed to be necessary. If, however, an extension of time is required, the extension is requested, and I authorize the Commissioner to charge any fees for this extension to 09-0447.

Respectfully submitted,

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Docket No. AUS920010012US1

PATENT

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§ Examiner: **Maikhanh Nguyen**

Commissioner for Patents
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Alexandria, VA 22313-1450

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By: Jane M. Roberts
Jane M. Roberts

APPEAL BRIEF (37 C.F.R. 41.37)

This brief is in furtherance of the Notice of Appeal, filed in this case on June 23, 2005.

The fees required under § 41.20(B)(2), and any required petition for extension of time for filing this brief and fees therefore, are dealt with in the accompanying TRANSMITTAL OF APPEAL BRIEF.

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REAL PARTY IN INTEREST

The real party in interest in this appeal is the following party: International Business Machines Corporation.

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RELATED APPEALS AND INTERFERENCES

With respect to other appeals or interferences that will directly affect, or be directly affected by, or have a bearing on the Board's decision in the pending appeal, there are no such appeals or interferences.

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STATUS OF CLAIMS

A. TOTAL NUMBER OF CLAIMS IN APPLICATION

Claims in the application are: 1-39

B. STATUS OF ALL THE CLAIMS IN APPLICATION

1. Claims canceled: 3, 12, 14, 20, 24, 28-32, 35-39
2. Claims withdrawn from consideration but not canceled: 10 and 22
3. Claims pending: 1-2, 4-11, 13, 15-19, 21-23, 25-27 and 33-34
4. Claims allowed: NONE
5. Claims rejected: 1-2, 4-11, 13, 15-19, 21-23, 25-27 and 33-34
6. Claims objected to: NONE

C. CLAIMS ON APPEAL

The claims on appeal are: 1-2, 4-9, 11, 13, 15-19, 21, 23, 25-27 and 33-34

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STATUS OF AMENDMENTS

An amendment after Final Rejection was not filed. Therefore, Claims 1-2, 4-9, 11, 13, 15-19, 21, 23, 25-27 and 33-34 on appeal herein are as amended in the Response to Office Action filed November 12, 2004.

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SUMMARY OF CLAIMED SUBJECT MATTER

A. CLAIM 1 - INDEPENDENT

The subject matter of Claim 1 is directed to a method for presenting content in a document, such as Internet web pages. The method may particularly benefit visually impaired persons by enabling them to obtain a readily useable summary or overview of web pages or the like. A first step of Claim 1, taught in the specification at page 7, lines 23-32 recites parsing the document for one or more salient features that collectively provide an overview of the document. The specification at page 7, lines 23-27 teaches the second step of Claim 1, that is, initially presenting the document overview to a user in a manner other than visually, the presented document comprising only the collective salient features and excluding any other document portions. **Figure 1** shows a server **104** and client **108** for use in implementing these steps. The steps are also shown as steps **700, 710** and **704** of **Figure 7**. At page 8, lines 7-12, the specification teaches, as further recited in Claim 1, that a particular one of the other document portion is presented to a user only in response to a request from the user for the particular portion. This is also taught at page 18, lines 6-11, in connection with steps **706** and **708** of **Figure 7**.Thus, a visually impaired or other person will receive other document portions only if he or she desires to do so.

B. CLAIM 13 – INDEPENDENT

The subject matter of Claim 13 is directed to a data processing system for presenting content in a document, such as data processing system **300** shown in **Figure 3**. The specification, at page 12, lines 8-13, teaches that a browser **400** may be located at system **300**. Claim 13 recites a parsing means for parsing the document for a salient feature. This means could be component **412** of browser **400**, which identifies salient features in a document as taught in the specification at page 13, lines 23-25. Claim 13 further recites a presenting means, responsive to locating salient features within a document for presenting them in a non-visual manner, and a determining means for determining whether to present additional portions of the document. The specification, at page 13,

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lines 29-32, teaches that the presentation may be in audio form. Thus, the presentation means is supported, for example, by audio adapter **316** shown in **Figure 3** in cooperation with display **418** of **Figure 4**. The determining means is supported in the specification by collective teachings at page 14, lines 3-6, graphical display **418** of **Figure 4**, at page 18, lines 5-11, and step **706** of **Figure 7**.

C. CLAIM 19 – INDEPENDENT

The subject matter of Claim 19 is directed to a data processing system, such as system **300** of **Figure 3**, and includes a bus system, communications unit, memory and processing unit. These elements are respectively shown, for example, by bus **306**, LAN adapter **310**, memory **304** and processor **302** of **Figure 3**, and taught at page 10, lines 17-24. The processing unit executes a set of instructions to carry out parsing, presenting and determining operations. These operations are taught in the specification at page 14, lines 24-27, at page 14, lines 27-28, and at page 18, lines 6-8, respectively.

D. CLAIM 23 – INDEPENDENT

The subject matter of Claim 23 is directed to a computer program product in a computer readable medium for presenting content in a document. The claim is a computer program product counterpart claim to system Claim 13.

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GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

A. GROUND OF REJECTION 1 (Claims 1-2, 4-9, 11, 18 and 25-27)

Claims 1-2, 4-9, 11, 18 and 25-27 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,564,186 (Kiraly et al.) in view of U.S. Patent No. 5,586,196 (Sussman).

B. GROUND OF REJECTION 2 (Claims 13, 15-17, 19, 21, 23 and 33-34)

Claims 13, 15-17, 19, 21, 23 and 33-34 stand rejected under 35 U.S.C. § 102(e) as anticipated by U.S. Patent No. 6,564, 186 (Kiraly et al.).

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ARGUMENT

A. GROUND OF REJECTION 1 (Claims 1-2, 4-9, 11, 18 and 25-27)

Claims 1-2, 4-9, 11, 18 and 25-27 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,564,186 (Kiraly et al.) in view of U.S. Patent No. 5,586,196 (Sussman).

Independent Claim 1 reads as follows:

> 1. A method in a data processing system for presenting content in a document, the method comprising the steps of:
>
> parsing the document for one or more salient features that collectively provide an overview of the document;
>
> initially presenting the document overview to a user in a manner other than visually, the presented overview comprising only the collective salient features and excluding any other portions of the document; and
>
> presenting a particular one of the other document portions to the user only in response to a request from the user for the particular portion.

A.1. Teachings and Purpose of Applicants' Claim 1

In reciting Claim 1, Applicants sought to make network resources, such as the World Wide Web of the Internet, available to visually impaired persons. While Claim 1 applies to users generally, Applicants were particularly concerned with persons who were blind or otherwise required to rely exclusively on audio communication tools, such as Home Page Reader (HPR) or other talking Web browsers. Applicants recognized that with such tools, users who are blind generally cannot be provided with a brief, readily useable summary or overview of web pages. This, of course, is a disadvantage not encountered by those who can visually read or inspect web pages. These concerns of Applicants are set forth in their specification, such as at page 3, lines 3-30 and at page 4, lines 1-4:

> Visually impaired users of the Web often rely on tools, such as a talking Web browser. An example of a talking Web browser is the Home Page Reader (HPR), which is available from International Business Machines Corporation (IBM). HPR is a spoken on-ramp to the Information Highway for computer users who are blind or visually impaired. HPR provides Web access by quickly, easily, and efficiently speaking Web page information. HPR provides a simple, easy-to-

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use interface for navigating and manipulating Web page elements. Using the keyboard to navigate, a user who is blind or who has a visual impairment can hear the full range of Web page content provided in a logical, clear, and understandable manner.

In perceptual psychology, a notion of gestaltic comprehension is present in which the perception is manifested by understanding the whole rather than analyzing small parts and combining them. For example, when a user views a Web page, a quick glance is all that it takes for the user to decide whether to read the Web page. Often the quick glance is focused on the icons and/or pictures and some heavily enlarged or bolded headlines in the Web page. Unfortunately, with users who are blind, the gestaltic perception of the Web page is more difficult. Part of this difficulty occurs because speech is more sequential than vision.

The present invention recognizes that one problem with talking browsers is that an overview of the page is unavailable because this type of Web browser moves from topic to topic in a sequential manner.

For convenience and brevity, respective steps of Claim 1, provided to address the above needs of the visually impaired, may be referenced hereinafter as Steps (1), (2) and (3). Such nomenclature is to be understood to mean the following:

Step (1): Parsing the document for one or more salient features that collectively provide an overview of the document.

Step (2): Initially presenting the document overview to a user in a manner other than visually, the presented overview comprising only the salient features and excluding any other portions of the document.

Step (3): Presenting a particular one of the other document portions to the user only in response to a request from the user for the particular portion.

A.2. Sections of Kiraly Reference Cited by Examiner

In the Final Office Action, in rejecting Claim 1, the Examiner stated the following:

As to independent claim 1:

a. Kiraly teaches a method in a data processing system for presenting context in a document (*Abstract and Fig. 4*), the method comprising the steps of:

(i) parsing the document for one or more salient features (*e.g., the text-reader software . . . analyzes the entire text-based data source in preparation for highlighting portions of the text-based data: col. 9, lines 23-34 and item 420 in Fig. 4*); and

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(ii) initially presenting the document to a user in a manner other than visually (*e.g., rendering the synthesized speech signals audible synchronously with the displaying of the highlighting text such that text-based information and corresponding audible information can be perceived simultaneously by the user; col. 2, lines 33-57*).

Final Office Action of March 23, 2005, page 6

a. Applicant argues that *Kiraly patent does not disclose or suggest the amended claim 1 step of parsing a document for one or more salient features, in order to provide an overview of the document.* (Remarks, page 11, 2nd para.)

b. In response, the introduction of Sussman, as combined with Kiraly meets the limitations: Kiraly teaches parsing a document for one or more salient features (*e.g., the text-reader software . . . analyzes the entire text-based data source in preparation for highlighting portions of the text-based data;* col. 9, *lines 23-34 and item 420 in Fig. 4*); Sussman teaches provide an overview of the document (*col. 26, lines 48-67*).

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From these statements of the Examiner, it is seen that the Examiner cited specific sections of Kiraly et al. in regard to Claim 1, including the Abstract; col. 2, lines 33-57; col. 9, lines 23-34; and item 420 of Fig. 4. Each of these sections are set forth hereinafter, and relevant teachings thereof are discussed. Additional sections of the Kiraly reference, at col. 7, lines 10-15 and col. 9, lines 35-52, are also set forth.

Abstract

A method of providing language assistance to a computer user with dyslexia, reading disabilities or visual impairment by presenting text-based information via multiple channels is provided. This technique effectively provides multiple channels of information to a user. Moreover, this method is useful for displaying text-based information to users having disabilities such as dyslexia, or for increasing the entertainment value of viewing a text document. This technique may be used for assisting users in editing documents and in retrieving information from the World Wide Web.

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Col. 2, lines 33-57

Particularly, the method of the present invention is implemented in a computer system or embodied in a computer-usable medium in the form of a computer program, and includes the steps of: accessing a source of text-based data, displaying text-based data in a text window with a standard font and size, and/or displaying a portion of the text-based data in another text window with a magnified font and size, sequentially highlighting the text-based data in one or both text windows one word at a time; and generating synthesized speech signals representative of the highlighted word and rendering the synthesized speech signals audible synchronously with the displaying of the highlighted text such that text-based information and corresponding audible information can be perceived simultaneously by the user. The present invention is particularly useful for displaying text-based information to users having reading disabilities such as dyslexia as the simultaneous reinforcement of the audio and visual information renders the text-based data easily comprehensible. The present invention may also be used for assisting users with visual impairments in document editing and retrieving information from the World Wide Web. The present invention can yet be employed to increase the comprehension of and entertainment value of text-based information as displayed to computer users, especially young computer users. (Emphasis added).

Col. 7, lines 10-15

In the present embodiment, the text-reader software highlights the text document one word at a time, and sequentially until all the words of the document have been highlighted. More particularly, the present text-reader software highlights the same word in both windows 310 and 320 simultaneously. (Emphasis added).

Col. 9, lines 23-52

At step 420, the text-reader software of the present embodiment analyzes the entire text-based data source in preparation for highlighting portions of the text-based data. In this embodiment, text-reader software analyzes the entire text-based data source to determine its context, and may then automatically alter its highlighting parameters (e.g. highlighting style, foreground color, etc.) according to the context of the text-based data. For example, if the text-reader software determines that the text-based data constitutes a poem, then the text-reader software may automatically switch from word-by-word highlighting to phrase-by-phrase highlighting.

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At step 422, the text-reader software of the present invention automatically selects a section of the text-based data to highlight. In the present embodiment, the text-based data is selected one word at a time. However, in another embodiment, the text-based data may be selected one phrase at a time or one sentence at a time, or a mixture of all of the above.

Synchronous with step 420, at step 430, the text-reader software analyzes the entire text-based data in preparation for generating speech output. In this embodiment, text-reader software analyzes the entire text-based data source to determine its context, and may then automatically alter its speech parameters (e.g. voice type, tone, pitch, etc.) according to the context. For example, if the text-reader software determines that the entire text-based data source constitutes a horror story, then the text-reader software will automatically select a creaky voice to create an eerie mood. (Emphasis added).

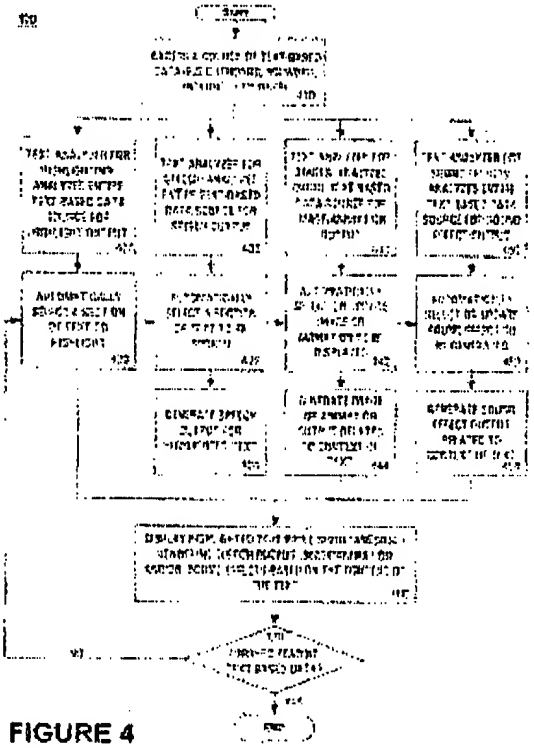

FIGURE 4

A.3. Claim 1 Features not taught by Kiraly

It is a fundamental principle that a prior art reference must be considered in its entirety, i.e., as a whole, including portions that would lead away from the claimed invention. *W. L. Gore*

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& Associates, Inc. v. Garlock, Inc., 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983), cert. denied, 460 U.S. 851 (1984)". MPEP 2141.02 . Applying this principle to the Kiraly et al. reference, Applicants consider that Kiraly, particularly as represented by the above cited sections, fails to show any of the above Steps (1), (2) or (3) of Applicant's Claim 1 in its entirety.

The purpose of Kiraly, as set forth for example at lines 1-3 of the Kiraly Abstract, is to provide "language assistance to a computer user with dyslexia, reading disabilities or visual impairment by presenting text-based information via multiple channels". The implementation of the Kiraly method is taught at the representative sections col. 2, lines 33-57 and col. 7, lines 10-15, set forth above. From statements in these sections, and particularly at col. 7, lines 11-12, it is clear that Kiraly teaches an arrangement wherein every word of displayed text-based data is highlighted "one word at a time, and sequentially until all the words of the document have been highlighted". (Emphasis added). Highlighted words are also represented by synthesized speech signals.

Clearly, these representative teachings of Kiraly do not disclose or suggest the Step (1) recitation of parsing a document for one or more salient features. Kiraly does not teach parsing a document, that is, breaking it down into constituent elements, in order to locate or identify the salient, or prominent, features of the document. Rather, Kiraly teaches presenting every word in a document in sequential order, by means of highlighting and synthesized speech. Moreover, Kiraly fails to teach the further recitation of Applicants' Step (1), that is, parsing a document for one or more salient features that collectively provide an overview, i.e., a summary, of the document. The Kiraly arrangement clearly has no need for the overview of Claim 1.

In regard to the above Step (2) of Claim 1, since the Kiraly reference neither shows nor suggests provision of an overview of a document, such reference also fails to show the Step (2) teaching of initially presenting only the overview to a user in a non-visual manner. Moreover, as discussed above, Kiraly stresses that all the words of a document are to be highlighted for presentation to a user. This teaching of Kiraly is considered to emphatically teach away from an essential feature of Step (3) of Claim 1, that is, presenting certain portions of a document to a user only in response to the user's request.

The disclosures of Kiraly at col. 9, lines 23-34 and Figure 4 are cited in the Final Office Action only against Step (1) of Claim 1. These disclosures are considered to be consistent with and supportive of the Kiraly teachings discussed above, in connection with columns 2 and 7

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thereof. For example, at col. 9, lines 23-34, together with col. 9, lines 35-44 and Figure 4, Kiraly teaches that items 420 and 430 analyze the entire text-based data source in preparation for highlighting and speech output. These sections describe preparation for sequential highlighting of successive portions of a document, such as word by word or phrase by phrase. Clearly, this preparation activity neither teaches nor suggests that any word or phrase is being treated with more prominence or importance than another. Thus, these sections of Kiraly, in like manner with those previously discussed, do not teach or suggest parsing a document for salient features, nor taking such action to collectively provide a document overview. Accordingly, these sections likewise fail to disclose key features of Step (1) of Applicants' Claim 1.

It appears from the Final Office Action that the Examiner concurs with Applicants' view, to the extent that Kiraly does not show all of the features recited by Claim 1. Accordingly, the Examiner has cited the Sussman reference in combination with Kiraly. Pertinent sections of the Final Office Action are set forth as follows:

> b. Kiraly does not teach "the presented overview comprising only the collective salient features and excluding, any other portions of the document; and presenting a particular one of the other document portions to the user only in response to a request from the user for the particular portion."
>
> c. Sussman teaches the presented overview comprising only the collective salient features and excluding, any other portions of the document; and presenting a particular one of the other document portions to the user only in response to a request from the user for the particular portion (*col.26, lines 48-67*).

Final Office Action of March 23, 2005, page 6

A.4. Analysis of Sussman Reference

It is seen from the Final Office Action that col. 26, lines 48-67 of Sussman is the only section thereof cited by the Examiner. Such section is set forth hereinafter, together with the Sussman Abstract.

> Abstract
>
> A digital document magnifier for scanning and digitizing printed information, processing the information, and displaying the processed information on a display

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screen is provided. The digital document magnifier software analyzes the contents of a document and then automates presentation of the document to a viewer. The system includes a microprocessor for processing the scanned information, and displayable video memory for storing information to be displayed. The video memory is organized as a two-dimensional circular display buffer. The two-dimensional buffer is used to zoom incrementally an image to the display screen as necessary. The magnifier can provide either one data bit per pixel for a monochrome display, or four data bits per pixel for a color or greyscale display. Methods for scaling coordinates between a source image bitmap buffer and a two-dimensional circular display buffer also are provided. The methods include dynamically re-mapping page geometry to obtain continuous line effects and continuous column effects.

Col. 26, lines 48-67

A visually-impaired user operating the DDM at a magnification suitable for reading will be able to see only a very small portion of the scanned document at any one time. Thus, the reading context is limited, and confusion may occur regarding the user's position in the document at any given time. This is generally referred to as the "page navigation problem" in low-vision aids. Thus, it is desirable to present the visually-impaired user with a page navigation aid. The user control device, such as a trackball or joystick, typically may include a button reserved for such a navigation aid, referred to as the Overview presentation mode.

In Overview mode, the page image magnification is adjusted so that the shorter page image axis just fills the screen. This is referred to as Automatic Page Sizing. The page image is thus reduced in magnification, such that individual words will not be readable by the visually-impaired user, but larger page features, such as columns or figures may be discerned. Additionally, a large block cursor appears on the screen. The user may move this cursor over the page image using the control device. (Emphasis added).

In analyzing Sussman, it is again necessary to consider the clear and entire teaching of the reference. The first sentence of the Abstract discloses that the purpose of Sussman is to provide a digital document magnifier for scanning, digitizing and displaying information on a display screen. At the cited section col. 26, lines 48-67, Sussman teaches that page image magnification may be adjusted to reduce magnification, in order to view larger page features such as columns or figures. A control device, such as a trackball or joystick, can be manipulated by a user over the displayed page image. The Sussman reference apparently refers to this reduced level of page magnification as "overview" mode.

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Step (1) of Applicants' Claim 1 teaches parsing a document for salient features to provide an overview comprising the collective salient features. In contrast, the "overview" mode of Sussman is simply a level of magnification that results from an adjustment of page image magnification, as taught specifically at col. 26, lines 59-61. Clearly, Sussman's overview mode is not provided by parsing salient features of a document. Even if the overview mode of Sussman could somehow be combined with features of Kiraly, the overview mode would still be a level of magnification provided by a user's decision to operate a button, col. 26, lines 56-58. Thus, the overview mode of Sussman teaches neither the document overview as recited by Applicants' Step (1), nor the recitation thereof of providing the overview by parsing the document for salient features.

Additionally, the overview mode of Sussman pertains to a visual image. Accordingly, teachings of Sussman cannot disclose the Step (2) recitation of "initially presenting the document overview to a user in a manner other than visually". Moreover, by reducing magnification the Sussman overview mode increases the amount of a page that is included in the overview mode. Thus, Sussman teaches away from the Step (2) feature of initially presenting a document overview comprising only salient features, and excluding any other portions of the document. This Step (2) teaching obviously reduces the amount of a document included in the overview.

Step (3) of Claim 1 recites presenting a particular other document portion to a user only in response to a request from the user. In contrast, the Sussman citation teaches that a user is provided with a control device, apparently for manipulation by the user to move the cursor and change magnification. The user is free to take these actions, and to thereby achieve the associated results, whenever he or she desires to do so. It is abundantly clear that achieving the results in this situation does not first require a request from the user. Thus, these teachings in the Sussman citation in no way show an essential feature of Step (3), namely, that a particular document portion can be presented only after a request from the user.

For at least all of the above reasons, Applicants consider that important features of their Claim 1 are not disclosed by either the Kiraly et al. or the Sussman reference. More particularly, neither Kiraly et al. nor Sussman shows the Claim 1 features of (1) providing a document overview; (2) parsing the document for salient features that collectively provide the document

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overview; (3) initially presenting the document overview to a user in a non-visual manner, while excluding other document portions; and (4) presenting a particular other document portion to a user only in response to a request from the user. It is well settled that if both the cited references fail to disclose at least one feature of Applicants' Claim 1, the references cannot be combined to realize Claim 1.

A.5. Kiraly Reference Cannot be Modified to Meet Claim 1 Recitations

It is a well established principle of patent law that references cannot be combined, if a proposed modification would render a prior art reference being modified unsatisfactory for its intended purpose. **MPEP 2143.01.**

In view of this principle, Kiraly cannot be modified to realize Applicants' Claim 1, either by the teachings of Sussman or by some other reference. As discussed above, in the Kiraly arrangement all the words of a document are to be sequentially presented to a user, such as word-by-word or phrase-by-phrase. This is emphasized in Kiraly, such as at col. 7, lines 10-15, at items 420 and 430 of Figure 4, and at col. 9, lines 32-34. However, Step (3) of Applicants' Claim 1 requires that other portions of a document will be presented only if the user requests them. If Kiraly was modified to meet this requirement of Claim 1, the Kiraly procedure would no longer be able to present all the words of a document, whenever a user did not submit a request for the other portions.

Moreover, Step (2) of Applicants' Claim 1 teaches that initially, only the document overview, comprising collective salient features, would be presented to a user. Frequently, or most all of the time, the salient features making up the overview would not be words or phrases selected in sequential order from the document. Thus, Kiraly could not be modified to show Applicants' Step (2), without departing from the fundamental teaching of the Kiraly reference that document material is to be presented sequentially to a user.

In the Final Office Action, the Examiner did not cite any reference as providing a basis or motivation for combining the Kiraly et al. and Sussman references. Moreover, it is clear that neither Kiraly nor Sussman teaches or discloses the concerns and objectives of Applicants' Claim 1. That is, neither reference discloses providing a user with an overview or summary of a document such as a web page, in a non-visual manner, and then furnishes other portions of the

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document only if the user requests such other portions. Accordingly, in the absence of Applicants' teachings, and relying solely on the disclosures of Kiraly and Sussman, one of skill in the art would have no reason or motivation to combine such references to realize Applicants' Claim 1.

For at least the above reasons Claim 1 is not obvious in view of either Kiraly et al. or Sussman, or any combination thereof, and should be allowable in its present form.

A.6. Claims Dependent Upon Claim 1

Claims 2, 4-9, 11 and 25-27 respectively depend from and further restrict independent Claim 1, and are thus also not obvious in view of either Kiraly et al. or Sussman, or any combination thereof, at least for the same reasons given in support thereof.

Claim 18, depending from independent Claim 13, was rejected in the Final Office Action under 35 U.S.C. § 103 by combining the Kiraly et al. and Sussman references. The Examiner apparently did not comment further on Claim 18 in the Final Office Action. Claim 18 is considered to patentably distinguish over the prior art, including Kiraly and Sussman in any combination, for reasons given in support for Claim 1. Claim 18 is also considered to distinguish over the prior art for reasons set forth hereinafter in support of Claim 13.

B. GROUND OF REJECTION 2 (Claims 13, 15-17, 19, 21, 23 and 33-34)

Claims 13, 15-17, 19, 21, 23 and 33-34 stand rejected under 35 U.S.C. § 102(e) as anticipated by U.S. Patent No. 6,564,186 (Kiraly et al.).

Independent Claim 13 reads as follows:

> 13. A data processing system for presenting content in a document, the data processing system comprising:
>
> parsing means for parsing the document for a salient feature;
>
> presenting means, responsive to locating the salient feature within the document, for presenting the salient feature in a manner other than visually; and
>
> determining means for determining whether to present additional portions of the document.

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B.1. Sections of Kiraly Reference Cited by Examiner

In the Final Office Action, in rejecting Claim 13, the Examiner stated the following:

As to Independent Claim 13:

MacKenty teaches data processing system for presenting content in a document (*Abstract and Fig.4*), the data processing system comprising:

(i) parsing the document for a salient feature (*e.g., the text-reader software ... analyzes the entire text-based data source in preparation for highlighting portions of the text-based data; col.9, lines 23-34 and item 420, Fig.4);*

(ii) response to locating the salient feature within the document for presenting the salient feature in a manner other than visually (*e.g., the text-reader software highlights the selected section of the text-based data ... the synthesized speech signals and the audio signals are rendered audible with the highlighting of the selected text; col.10, lines 53-67/col.11, lines 20-25 and item 460 in Fig.4*); and

(iii) determining whether to presenting additional portions of the document (*e.g., after the highlighted text is displayed 'by rendering synthesized speech signals' to the user with visual impairment, the user may decide if he/she wants additional information of the document to be displayed; col.2, lines 40-57 and col.11, lines 4-12*).

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e. Applicant argues that *Kiraly neither shows the claim 13 determining means, nor does Kiraly teach any need for such means.* (Remarks, page 12, last para.)

f. In response, Kiraly's teachings "after the highlighted text is displayed by rendering synthesized speech signals to the user with visual impairment, the user may decide if he/she wants additional information of the document to be displayed" (col.2, lines 40-57 and col.11, lines 4-12) meet the limitations as claimed by Applicant.

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From these statements of the Examiner, it is seen that the Examiner cited specific sections of Kiraly et al. in regard to Claim 13, including the Abstract; col. 2, lines 40-57; col. 9, lines 23-34; col. 10, lines 53-67; col. 11, lines 4-12; col. 11, lines 20-29; and items 420 and 460 of Fig. 4. The sections at col. 10, lines 53-67, col. 11, lines 4-12, and col. 11, lines 20-25 are set forth hereinafter, together with Col. 11, lines 26-56. The remaining sections were set forth previously.

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Col. 10, lines 53-67

At step 460, the text-reader software highlights the selected section of the text-based data. Significantly, according to that embodiment, the synthesized speech signals and the audio signals are rendered audible with the highlighting of the selected text. In addition, images that pertain to the highlighted text are simultaneously displayed. For example, with reference to the exemplary GUI 300 of FIG. 3, portions of the text-based data are displayed in windows 310 and 320. Further, in the embodiment as illustrated in FIG. 3, the word "eagle" is selected and highlighted in both windows 310 and 320. Synthesized speech signals enunciating the word "eagle" and sound effects imitating the shrieking of an eagle are rendered audible to the user 220 synchronously with the highlighting of the word "eagle". An image dipicting an eagle is displayed in window 330 synchronously with the highlighting of the word "eagle".

Col. 11, lines 4-12

With reference still to FIG. 4, at step 470, the text-reader software determines whether all the words in the selected portion of the document have been read aloud. If it is determined that all the words have been read aloud, or if it is determined that a user has stopped the text-reader software, the process 400 returns. Otherwise, the text-reader software automatically selects a next section of the document (e.g. next word or next phrase), and the process is repeated.

Col. 11, lines 20-56

In the present embodiment, the text-reader software scans a predefined database that contains a list of keywords or key phrases and the names of the images to be displayed therewith, and audio or sound effects to be played when the corresponding keywords or key phrases are encountered in a document. In the present embodiment, the database may be defined by a user. A sample database is given in the following.

Sample Database
// TextAssist Sample Database
// Format description:
// keyword, *.bmp,*.wav
// (multiple filenames display multiple bitmaps or audio files)
// Pictures
eagle, eagle.bmp
Frank, frank.bmp
Parrot, parrot.bmp
// Pictures and Music

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engine, engine.bmp, engine.wav
// Animated Sequence
creative, creative1.bmp, creative2.bmp, creative3.bmp

In the present embodiment, the text-reader software is capable of displaying bitmap files (.bmp files) and playing audio files (.wav files) when keywords are encountered in a document. For example, as shown in the sample database above, and as illustrated in the GUI 300 of FIG. 3, when the word "eagle" is encountered in the document, an image representing the bitmap file "eagle.bmp" is displayed in the image window 330. According to the present embodiment, the image window 330 continues to display the image until a next keyword is encountered. Similarly, when the keyword "Frank" is encountered, the image file "frank.bmp" will be displayed, and when the keyword "parrot" is encountered, the image file "parrot.bmp" will be displayed.

B.2. Claim 13 Features not shown by Kiraly

A prior art reference anticipates the claimed invention under 35 U.S.C. § 102 only if every element of a claimed invention is identically shown in that single reference, as they are in the claims. *In re Bond*, 910 F.2d 831,832, 15 U.S.P.Q.2d 1566, 1567 (Fed. Cir. 1990). All limitations of the claimed invention must be considered when determining patentability. *In re Lowry*, 32 F.3d 1579, 1582, 21 U.S.P.Q.2d 1031, 1034 (Fed. Cir. 1994). Anticipation focuses on whether a claim reads on the product or process a prior art reference discloses, not on what the reference broadly teaches. Kalman v. Kimberly-Clark Corp., 713 F.2d 760,218 U.S.P.Q. 781 (Fed. Cir. 1983). Applicants respectfully submit that Kiraly does not teach every element of the claimed invention arranged as they are in Claim 13. Specifically, Kiraly fails to teach either the parsing means or the presenting means of Claim 13, as such means are respectively recited.

The Final Office Action alleges that Kiraly teaches the Claim 13 parsing means, for parsing a document for a salient feature, at col. 9, lines 23-34 and item 420 of Fig. 4. In arguments previously set forth herein, in regard to Step (1) of Claim 1, Applicants discussed teachings of Kiraly that included the above sections. Based on the full and entire teachings of Kiraly, this discussion concluded that the Kiraly teachings fail to disclose parsing a document for one or more salient features. Applicant applies this same discussion and conclusion in support of the parsing means of Claim 13.

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Regarding the presenting means of Claim 13, the Final Office Action alleges that such means is disclosed by Kiraly at col. 10, lines 53-67, col. 11, lines 20-25 and item 460 of Fig. 4, respectively shown above. These sections refer to "keywords". However, as more specifically taught at col. 10, lines 56-57 and col. 11, lines 44-51, "keywords" in Kiraly are merely words or phrases that can have images or sounds associated with them. When one of such keywords is encountered in Kiraly, during the sequential scan of document text, the associated image or sound is presented to a user.

It is readily apparent that such keywords are not salient, or prominent features, such as could be used in providing a user with an overview or summary of a document. Accordingly, these teachings of Kiraly do not show the presenting means of Applicants' Claim 13, directed to presenting a salient feature in a non-visual manner, in response to locating the feature within the document.

Claims 19 and 23 are respectively directed to subject matter similar to that of Claim 13, and are considered to distinguish over Kiraly et al. for the same reasons given in support thereof.

For at least all of the above reasons, Applicants respectfully submit that Kiraly et al. does not teach or suggest all of the features of Claims 13, 19 and 23.

B.3. **Claims Dependent upon Claims 13, 19 and 23**

At least by virtue of their dependency on Claims 13, 19 and 23, respectively, Kiraly et al. does not teach or suggest the features of dependent Claims 15-17, 20-21 and 33-34. Accordingly, it is respectfully requested that the Board reverse the Examiner's final rejection of those claims.

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CLAIMS APPENDIX

The text of the claims involved in the appeal are:

1. A method in a data processing system for presenting content in a document, the method comprising the steps of:

parsing the document for one or more salient features that collectively provide an overview of the document;

initially presenting the document overview to a user in a manner other than visually, the presented overview comprising only the collective salient features and excluding any other portions of the document; and

presenting a particular one of the other document portions to the user only in response to a request from the user for the particular portion.

2. The method of claim 1 further comprising:

presenting the document overview to the user only after the user requests said overview presentation.

4. The method of claim 1, wherein the salient feature is at least one of bold text, italicized text, underlined text, text having a selected font size, and text having a selected color.

5. The method of claim 1, wherein the salient feature is presented in an audible manner.

6. The method of claim 1, wherein the salient feature is presented in a tactile manner.

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7. The method of claim 1, wherein the document is at least one of an extensible markup language document, a hypertext markup language, and a resource description file.

8. The method of claim 7, wherein the resource description file is one of a resource description format file or an extensible markup language schema file.

9. The method of claim 7, wherein the markup language is at least one of hypertext markup language and resource description framework.

10. The method of claim 1, wherein the presenting step presents the salient feature by highlighting the salient feature within the document instead of presenting the salient feature in a manner other than visually.

11. The method of claim 1, wherein the salient feature is indicated within the document.

13. A data processing system for presenting content in a document, the data processing system comprising:

parsing means for parsing the document for a salient feature;

presenting means, responsive to locating the salient feature within the document, for presenting the salient feature in a manner other than visually; and

determining means for determining whether to present additional portions of the document.

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15. The data processing system of claim 13, wherein the salient feature is at least one of bold text, italicized text, underlined text, text having a selected font size, and text having a selected color.

16. The data processing system of claim 13, wherein the salient feature is presented in an audible manner.

17. The data processing system of claim 13, wherein the salient feature is presented in a tactile manner.

18. The data processing system of claim 13, wherein the document is a markup language document.

19. A data processing system comprising:

a bus system;

a communications unit connected to the bus system;

a memory connected to the bus system, wherein the memory includes a set of instructions;

a processing unit connected to the bus system, wherein the processing unit executes the set of instructions to parse a document for a salient feature, and upon locating a salient feature within the document, presents the located salient feature in a manner other than visually; and

the processing unit further executes the set of instructions to determine whether to present additional portions of the document.

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21. The data processing system of claim 19, wherein the document is a markup language document using a markup language, which is at least one of hypertext markup language and resource description framework.

22. The data processing system of claim 19, wherein the presenting means presents the salient feature by highlighting the salient feature within the document instead of presenting the salient feature in a manner other than visually.

23. A computer program product in a computer readable medium for presenting content in a document, the computer program product comprising:

first instructions for parsing the document for a salient feature; ~~and~~

second instructions, responsive to locating the salient feature within the document, for presenting the salient feature in a manner other than visually; and

third instructions for determining whether to present additional portions of the document.

25. The method of Claim 1 further comprising:

receiving a request for a document having at least one salient feature; and

determining the at least one salient feature; ~~and~~

26. The method of claim 25 wherein determining the at least one salient feature further comprises at least one of receiving the at least one salient feature in a file; determining the at least one salient feature from XML tags; and analyzing the document for at least one of a title, a

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heading, bold text, italicized text, underlined text, text in a selected color, text having a certain font size, and highlighted text.

27. The method of Claim 1 further comprising:

receiving a request for a document page; and

determining if a requested page contains at least one salient feature

33. The data processing system of Claim 13 further comprising:

analyzing means for analyzing content of a document for at least one salient feature;

denoting means for denoting the at least one salient feature separately from the analyzed content; and

sending means for sending the document and the separately denoted at least one salient feature to a user requesting the document.

34. The data processing system of claim 33 wherein the denoting means further comprises at least one of means for denoting the at least one salient feature in a file and means for denoting the at least one salient feature in XML tags.

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EVIDENCE APPENDIX

There is no evidence to be presented.

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RELATED PROCEEDINGS APPENDIX

There are no related proceedings.

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